

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: NOVEMBER 19, 2010

SUBJECT: APPLICATION OF LIBERTY-BELL TELECOM, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, CASE
NO. LBT-T-10-01

On June 23, 2010, Liberty-Bell Telecom, LLC (“LBT” or “Company”) filed an Application, including a copy of its illustrative tariff, for a Certificate of Public Convenience and Necessity (“CPCN”), pursuant to *Idaho Code* §§ 61-526 through -528¹, *Idaho Code* § 62-604, IDAPA 31.01.01.111 (Rule 111), IDAPA 31.42.01 (Rule 202) and Procedural Order No. 26665, to provide facilities-based local exchange, switched exchange access and non-facilities-based interexchange telecommunications services in Idaho. *Application* at 1. On October 12, 2010, LBT filed a revised copy of its illustrative tariff.

THE APPLICATION

LBT is a Colorado corporation and lists its principal place of business as Denver, Colorado. *Id.* at 2. LBT is registered with the Idaho Secretary of State as a foreign corporation and lists CT Corporation System, 1111 West Jefferson, Suite 530, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 2, Exhibit C.

LBT states in its Application that it “proposes to offer competitive local exchange services initially including, basic local exchange services and custom calling features for residential and commercial subscribers.” *Id.* at 2. Subsequently, the Company “proposes to offer exchange access services to interconnecting carriers.” *Id.* The Company’s local exchange services “will be provided on a facilities-based basis[,]” utilizing the unbundled network

¹ Pursuant to the Idaho Telecommunications Act of 1988, specifically *Idaho Code* § 62-604(1)(a), LBT is exempt from Title 61 regulation.

elements of its underlying carriers. *Id.* “[I]nterexchange services will be offered exclusively on a resold, non-facilities-based basis.” *Id.* LBT has no current plan to construct facilities or deploy equipment in Idaho. *Id.* at 5.


LBT’s proposed Idaho service territory will include all areas of Idaho currently being served by “Qwest Corporation, its sole incumbent local exchange carrier competitor.” *Id.* at 5. LBT attached a copy of its illustrative tariff to its Application. *See id.* at 7, Exhibit A. The Company states that it will begin negotiating an interconnection agreement with Qwest Corporation following the Commission’s decision regarding its Application. *Id.* at 8. LBT “averts that it has reviewed all of the Commission’s rules and agrees to comply with such rules.” *Id.* at 9. LBT requests a waiver of the escrow account requirement because it will not require its customers to submit advance payments or deposits in exchange for service. *Id.*

STAFF RECOMMENDATION

Staff has reviewed LBT’s Application and other supporting documentation and recommends that the Application be processed through Modified Procedure with a corresponding 21-day comment period.

COMMISSION DECISION

Should LBT’s Application for a Certificate of Public Convenience and Necessity be processed through Modified Procedure with a corresponding 21-day comment period?



Neil Price
Deputy Attorney General

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